

Raleigh Appearance Commission – Outdoor Seating Design Review Committee
Minutes of the Meeting
Wednesday, January 20, 2016

Members Present: Brian O’Haver, Brandy Thompson, Asa Fleming, Jamie Ferguson, Rolf Blizzard, and Lauren Dickens

Staff Present: Roberta Fox, Carter Pettibone, Dhanya Sandeep, Rotonda McKoy, and Martha Lobo

Brian O’Haver called the meeting to order at 3:01pm. He went over the agenda and stated this was the third of six planned meetings. He said there were four topics for the Commission to review as part of this working group.

Review and Approval of Minutes

Members made comments on the draft minutes and asked Staff to make the appropriate revisions to the minutes. Asa Fleming moved to approve the minutes as amended and was seconded by Rolf Blizzard. The motion passed unanimously.

Street Furniture and Signage Discussion

Roberta Fox talked about what would be delivered to City Council. She mentioned the goal was to have a cover letter, memo, and report for Council. Staff would develop the items with review and approval of the Commission. She also went over what today’s discussion would include (street furniture and signage). She mentioned the signage included the “no alcohol past this point” type language.

Ken Shugart (attendee) asked if the committee would also make recommendations on other types of signage, including daily specials and advertising on furniture. Martha Lobo clarified that A-frame type signs were covered by the Private Use of Public Spaces (PUPS) regulations, but other signs were not covered. Ken Shugart asked if they could be included in the commission’s review.

Brian O’Haver stated that the group would stay within its charge, but if there’s some overlap they could consider it.

Dhanya Sandeep began a presentation on outdoor furniture and signage. She went over the current ordinance, design issues, and a field survey with photos. The photos were examples of outdoor furniture in Downtown Raleigh in current use.

Rolf Blizzard asked which photos on the screen would be considered compliant. Martha Lobo directed the group to which were compliant, including photos of painted picnic tables, for which they had received complaints. Martha Lobo said unfinished wood was not allowed but painted wood was determined to be compliant. Martha Lobo also pointed out that there was an issue with a table on Martin Street (in one of the photos) because the table had not been maintained and the stain and finish had worn away.

Brian O’Haver said it seemed subjective to say some types and finishes of wood are okay and others are not.

Lauren Dickens asked if applicants were required to submit examples with their applications. Martha said they were not, but some applicants submitted examples before purchasing their furniture and some had submitted examples after.

Dhanya Sandeep continued her presentation, focusing on required signage.

Brian O'Haver asked if the signage was a City requirement and not a State requirement. Dhanya Sandeep stated that it was required by the ordinance and read the language of the ordinance. She said she was not sure if it was just a City requirement or both City and State.

Asa Fleming asked about the required location from the signage. He asked if it was required by the exit. Zach Medford (attendee) said that it was required at entrances and exits.

Dhanya Sandeep then discussed best practices of peer cities including the following: Durham; Greensboro; Asheville; Charlottesville, VA; San Jose, CA; Delaware, OH; Pittsburgh, PA; Noblesville, IN; Redwood City, CA; and West Palm Beach, FL. She said that research showed there was a range of design standards used, but smaller cities with unique characteristics had more design considerations. She also stated that generally there were no design standards for outdoor signage.

Rolf Blizzard asked what the group liked or didn't like based on standards they had seen in the presentation.

Brian O'Haver mentioned he liked the language that talked about the furniture being complimentary to the storefront, appropriately scaled, and built to commercial grade/use. He suggested that there could be language that allowed approved furnishings or approved equals. He added that if an applicant wanted something else, there could be some type of review process by an entity other than Council.

Jamie Ferguson said she appreciated furniture that could be removed each night after hours, so it should be light. She said she also liked sustainability in the furniture.

Brian O'Haver said there was concern that other streetscape items can't be moved easily. Zach Medford stated that it was difficult for businesses to move things in and out. Brian O'Haver added that there is currently language that calls for moving furniture if needed.

The owner of Calavera (attendee) asked what the benefit would be in moving furniture in and out.

Jamie Ferguson said that painted wood is stretching the regulations and that she has concerns about appearance with large picnic tables.

The Calavera owner said that his building's HOA as well as Red Hat have approval to the picnic tables he was using. He stated that the picnic tables were durable and hard to steal. Zach Medford added that he thought picnic tables were the easiest solution and there were concerns about moving furniture in and out. He said that non-patrons could use the tables during the day when the business was not open.

Discussion followed regarding the use of tables and requiring businesses owners to purchase new furniture.

The Calavera owner said that he would be willing to change furniture if it raised the maximum outdoor seating, but he wouldn't do it until City Council made a decision.

Ken Shugart said there were concerns about the appearance of stacked furniture on the sidewalk when the business was not open.

Rolf Blizzard asked how the City currently handles street cleaning. Staff said the business owner is given 24 hour notice before items need to be moved.

Brian O'Haver said that the group was tasked with developing standards for furniture. If the furniture needs to be inside, the group should take that into consideration for size and standards.

Asa Fleming asked how detailed the group should get with standards. Rolf Blizzard asked what staff would prefer to review. Roberta Fox said there is a spectrum that could run from a list of preferred vendors on one end to a free for all on the other.

Brian O'Haver said that if there's a standard specification for everyone there would be no character to the street. He said that business owners want clarity and to be able to understand the regulations. If the regulations are less specific, then there is a larger burden on Staff. He asked if the group wanted to write separate specifications or add them to the PUPs document.

Brandy Thompson said she liked the language in the Pittsburgh ordinance. The regulations could include examples and be a resource for business owners if they wanted to use the "easy button".

Brian O'Haver suggested they augment the language in the City's regulations and give applicants options.

Rolf Blizzard mentioned he had an issue with the language that prohibited unfinished wood. He said there are nice unfinished options that could be considered.

Zach Medford stated that large communal seating is more popular these days, especially with younger patrons.

Brandy Thompson asked how the City could codify options that character.

Zack Medford stated that if the review is a quick process and the appeal/exception or design alternative is possible, then he thought businesses could get behind it.

Brandy asked if the Appearance Commission would want to be the review body for alternates. Jamie Ferguson said they could help with possible alternates.

Roberta Fox asked if the committee wanted to consider different furniture standards for Fayetteville Street. It could be an opportunity to imbed creativity within the ordinance.

Brandy Thompson said that may require a design review element.

Brian O'Haver wanted Staff to confirm these regulations would be Citywide and only in public rights of way. Martha Lobo said they were only for items in the public right of way, not private property. She also mentioned Hillsborough Street was a State-maintained road.

Dhanya Sandeep said that PUPS has specific guidelines for Fayetteville Street, including the use of a "garden" zone for seating.

Brian O'Haver said he was leaning towards suggesting a written approach; one that would beef up the minimum language and give examples of what meets code.

Jennifer Martin (attendee) asked where the design issue for furniture came from. Staff said it was interpretation of the comments received from City Council.

Ken Shugart asked if the regulations would include furniture such as barstools, bistro height chairs, and lounge chairs. Would it talk about types of furniture?

Brian O'Haver said the group would need to refine the language, but they wanted to hit the big things first. He also mentioned that there should be some way for the City to give a design alternate.

Ken Shugart stated that Richmond, VA does not allow lounge chairs in its audience.

Asa Fleming asked how detailed the group was supposed to get. He thought the group should be able to give a little leeway. Discussion followed regarding the level of detail to use.

Jamie Ferguson said she liked the idea of the language of scaling the furniture with the building and that it should be complimentary to the storefront.

Ken Shugart said he was concerned about umbrellas and brought up the example of the Oxford's umbrellas blowing away in the past.

Brian O'Haver said that there should be language that talks requires furniture be safe, sturdy, and durable. Enforcement can use the language in the ordinance since there is a minimum standard for "safe".

Rolf Blizzard said that the group should preserve Staff's discretion, yet give enough language for staff to enforce the ordinance.

Brian O'Haver stated that applications need to be clear in describing what is going to be used for furniture.

Ken Shugart asked about the current enforcement of items such as corn hole sets, flags, tiki torches, and portable heaters. Martha Lobo said staff would need to determine if the proposed items in an application fit in the ordinance.

Brandy Thompson pointed to the language in the Pittsburgh example for how to deal with accessory type items.

Rolf Blizzard suggested that all elements to be used need shown on the sketch plan for the application, even if they are not used all the time. The sketch should show the worst case scenario.

Brandy Thompson said that it doesn't seem that the Raleigh Fire Department (RFD) wants the portable heaters in the right-of-way. Martha said she thought this was correct. Zach Medford stated that his business had not been told no by the RFD. Discussion followed reading portable heaters.

Zach Medford stated he would like a ruling on the issue from RFD.

Brian O'Haver asked staff to review the potential changes to the regulations so far. Roberta Fox listed the following:

- beef up design guidelines
- have recommended types or approved alternates
- light and durable requirement
- durable and commercial grade
- earliest submission date could be April
- remove "unfinished" language, or amend to use alternative term such as "natural"
- provide mechanism for approval of alternative
- insert picture(s) of approved examples in resources
- address scale of furniture - complimentary to the building and in size and scale to the building
- include language for umbrellas

Brain suggested adding language that required furniture to match or be complimentary to other furniture being used and that items can be movable. He also suggested adding a category or guidelines for accessories, and adding language that dealt with multiple changes to the application. For example, if the applicant submits changes more than once, he or she would need to pay additional review fees or reapply.

Ken Shugart asked about when businesses are closed and furniture is left outside and stacked together. He said there were concerns about the look of that.

The Calavera owner said that some businesses don't like to stack or move the furniture every night. An attendee suggested that the regulations should not force businesses to stack furniture or move it inside.

Lauren Dickens asked if they could add a "no stacking" requirement. Brandy Thompson suggested it should be acknowledged in the language. Discussion followed regarding stacking and securing furniture.

Zach Medford stated that he did not think locking furniture was an issue.

Brian O'Haver suggested that the committee now discuss the issue of signage.

Brandy Thompson asked staff to elaborate on the requirement of some jurisdictions to have language in menus that remind patrons not to leave the area with alcohol. Dhanya talked about how some cities did that. She also went over the current City ordinance related to required signage. She reminded the committee that if stanchions go away, the ability to post signage on stanchions would go away too.

Zach Medford suggested posting the required language on the medallions in the sidewalk that could define the area. Another attendee recommended that the signage be attached to the tables. He said that signage on the tabletop would be just as effective as putting it on a stanchion.

Brian said that the committee could recommend that signage cannot be placed on stanchions. He also read an email from Candice Andre, who could not attend the meeting.

Rolf Blizzard asked if the signage in the City ordinance was a state requirement. Staff said it was not as far as they knew. Brian O'Haver asked if the committee should recommend taking out the signage requirement altogether. Consensus was that they should unless it is an ABC requirement.

Discussion followed regarding the requirement to have signage, requirements for occupancy placard requirements, and ABC requirements for signage.

Martha Lobo read the requirements of the ordinance. It stated that businesses have the responsibility to follow ABC rules.

Brandy Thompson said that if State law is applicable, the City doesn't need to enforce it. She said that the recommendation for signage could be that State ABC laws rules would govern and if they wanted to provide signage, it would need to conform to the City's sign ordinance.

Martha Lobo said the sign code only has regulations for certain sign types in the right-of-way. She also mentioned that the sign code enforcement is complaint driven.

Brian O'Haver said that they should table discussion of accessory items to next week. Brandy Thompson suggested addressing it as they wrote their recommendation.

Brian said that for next week staff should try to find the ABC rules affecting signage and find out if RFD allows portable heaters in the right-of-way. He also asked staff to have information on example standards and provide links to the various ordinance from other cities mentioned in the presentation.

Jamie Ferguson asked that Staff think about specifications (maximums) for vertical elements.

Jennifer Martin suggested the committee look at how the City of Minneapolis regulates outdoor seating. Staff said it could forward information to the committee about it.

Rolf Blizzard moved to adjourn and was seconded by Brandy Thompson. The motion passed unanimously. The meeting was adjourned at 5:05pm.